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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/670,242   | 09/26/2000  | Mark M. Ishikawa     |                     | 4706             |
| 7590   | 04/23/2004  |                      | EXAMINER            |                  |
| Anna M Vradenburgh<br>Brull Piccionelli Sarno Braun & Vradenburgh<br>Suite 2350<br>1925 Century Park East<br>Los Angeles, CA 90067 |             |                      | LANIER, BENJAMIN E  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2132                | 2                |
| DATE MAILED: 04/23/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                  |
|------------------------------|-------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.               | Applicant(s)     |
|                              | 09/670,242                    | ISHIKAWA ET AL.  |
|                              | Examiner<br>Benjamin E Lanier | Art Unit<br>2132 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 September 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date _____.</li> </ol> | <ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol> |
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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones, WO 95/15522. Referring to claims 1, 3-6, 12, Jones discloses a data verification system wherein a user can have a file, they created, fingerprinted at a central computer (Page 2, lines 19-27), which meets the limitation of receiving a source file from data owners and creating a fingerprint for the source file by recording portions of the source file that correspond to each of the elements of the template. With regards to the limitation involving the template, Jones discloses that file selected is fingerprinted using a preselected technique that produces a fingerprint unique to the content of the document. The fingerprint includes a cyclic redundancy check value for the file along with the file size (Page 11, line 35 – Page 12, line 7). Once generated the fingerprint and file are stored in a database at the central computer that corresponds to the owner (Page 3, lines 9-17), which meets the limitation of storing the source file and fingerprint in a database. The fingerprint can then be compared to the fingerprint of an unknown file in order to verify that the files are the same (Page 2, lines 30-36), which meets the limitation of comparing unknown data files to the fingerprint stored in the database to determine whether the unknown data files are copies of any portion of the source file.

Referring to claim 2, Jones discloses that the file can be time stamped (Page 3, lines 1-2), which meets the limitation of branding the source file.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, WO 95/15522, in view of Chow, U.S. Patent No. 6,292,092. Referring to claims 7, 9-11, Jones discloses a data verification system wherein a user can have a file, they created, fingerprinted at a central computer (Page 2, lines 19-27), which meets the limitation of receiving a source file from data owners and creating a fingerprint for the source file by recording portions of the source file that correspond to each of the elements of the template. With regards to the limitation involving the template, Jones discloses that file selected is fingerprinted using a preselected technique that produces a fingerprint unique to the content of the document. The fingerprint includes a cyclic redundancy check value for the file along with the file size (Page 11, line 35 – Page 12, line 7). Once generated the fingerprint and file are stored in a database at the central computer that corresponds to the owner (Page 3, lines 9-17), which meets the limitation of storing the source file and fingerprint in a database. The fingerprint can then be compared to the fingerprint of an unknown file in order to verify that the files are the same (Page 2, lines 30-36), which meets the limitation of comparing unknown data files to the fingerprint stored in the database to determine

whether the unknown data files are copies of any portion of the source file. Jones discloses that the file can be time stamped (Page 3, lines 1-2), which meets the limitation of branding the source file. Jones does not disclose that the embedded authentication information can be encrypted and embedded into the source file. Chow discloses an image identification system wherein authentication information is encrypted and affixed (embedded) into the source image (Col. 3, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to encrypt the authentication information of Jones in order to protect the data as taught in Chow (Col. 3, lines 18-20).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, WO 95/15522, in view of Chow, U.S. Patent No. 6,292,092. Referring to claim 8, Jones discloses a data verification system wherein a user can have a file, they created, fingerprinted at a central computer (Page 2, lines 19-27), which meets the limitation of receiving a source file from data owners and creating a fingerprint for the source file by recording portions of the source file that correspond to each of the elements of the template. With regards to the limitation involving the template, Jones discloses that file selected is fingerprinted using a preselected technique that produces a fingerprint unique to the content of the document. The fingerprint includes a cyclic redundancy check value for the file along with the file size (Page 11, line 35 – Page 12, line 7). Once generated the fingerprint and file are stored in a database at the central computer that corresponds to the owner (Page 3, lines 9-17), which meets the limitation of storing the source file and fingerprint in a database. The fingerprint can then be compared to the fingerprint of an unknown file in order to verify that the files are the same (Page 2, lines 30-36), which meets the limitation of comparing unknown data files to the fingerprint stored in the database to determine

whether the unknown data files are copies of any portion of the source file. Jones does not disclose that the fingerprint is created using the average color values for predefined portions of the source file. Chow discloses an image identification system wherein to create the image fingerprint, certain features of the image are extracted and weighted averages are calculated. These features are only based on luminance (color values) components of the picture (Col. 4, lines 22-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the source file of Jones to be an image and the fingerprint calculated using the function of Chow in because the weighing functions are highly non-linear and it is very difficult to create an image which would have the same averages and yet the image contain a face or signature of a specific person as taught in Chow (Col. 4, lines 37-40).

*Drawings*

6. New corrected drawings are required in this application because lines, letters, and numbers are not uniformly thick and well defined, clean, durable, and black. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Benjamin E. Lanier

  
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